



Agenda Number: 9
CSU-50018
August 2, 2006

Summary:	This is a request for a Special Use Permit for Contractor's Yards and RV & Boat Storage a 5.9 acre parcel located west of Edith Blvd. and south of Osuna Rd., zoned R-1 and C-1. This property has had Special Use Permits since the 1970s, most recently for contractor's yards, which expired in June, 2005 (CZ-1). The applicant had submitted a request in June 2005 to renew the Special Use Permit (CSU-50018) and requested a deferral to the November 2, 2005 to address unmet conditions of approval. Instead of pursuing the Special Use Permit, the applicants elected to seek C-1 zoning for the rear portion of the property, and the CPC voted to deny the request. Upon appeal, the BCC remanded the case to the CPC, so that the applicants are again seeking a Special Use Permit for the property.
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This request was heard by the CPC at the May 3, 2006 hearing. The CPC voted to continue the request for six months and provided instructions for the applicants to follow for the revisions of their site development plan (Attachment 11). The applicants have submitted a revised site plan and justification.

Staff Planner: Catherine VerEecke, Program Planner

COUNTY PLANNING COMMISSION
AUGUST 2, 2006
CSU-50018

- Attachments:**
1. Application
 2. Zoning and Land Use Maps
 3. Previous Special Use Permit, Notices of Decision
 4. Administrative Amendments, Notices of Decision
 5. Materials submitted by neighbors in support (for 8/05 hearing)
 6. Materials submitted by neighbors in opposition (for 8/05 hearing)
 7. Request for deferral (for 8/05 hearing)
 8. Notice of decision regarding Zone change request
 9. Revised justification (for 5/3/06)
 10. Petition of opposition (for 5/3/06)
 11. Notice of decision (for 5/3/06)
 12. Revised justification (for 8/2/06)
 13. Revised Site Plan dated 6/26/06 (Commissioners only)

Bernalillo County Departments and other agencies reviewed this application from 6/27/05 to 7/11/05, 3/27/06 to 4/10/06 and from 6/26/06 to 7/10/06. Their comments were used in preparation of this report, and begin on Page 14.

AGENDA ITEM NO.: 9
County Planning Commission
August 2, 2006

CSU-50018 Garcia/Kraemer & Associates, agent for Fred & Janice Caudill, requests renewal of a Special Use Permit for a Contractor's Yard and to include Boat & RV Storage on Tract C, Fruitvale Addition, located at 6301 Edith Boulevard NE, zoned R-1 & C-1, containing approximately 5.98 acres. (E-15) (CONTINUED FROM THE MAY 3, 2006 CPC HEARING)

AREA CHARACTERISTICS AND ZONING HISTORY
Surrounding Zoning & Land Uses

Site	Zoning	Land use
	C-1/R-1 with Special Use Permit for Contractor's Yard & Equipment Sales	Contractors yards, equipment sales
North	C-1/M-H	Single Family Residential
South	C-1/M-H	Tree service Single Family Residential
East	C-1	Commercial Residential
West	Drain M-H	Drain Single Family Residential

BACKGROUND:

The Request

The applicants are requesting the renewal of a Special Use Permit for a Contractor's Yard that was granted in 2000 (CZ-1) on a 5.98 acre parcel on the west side of Edith Blvd. and east of the railroad, about a half-mile south of Osuna Rd. The request seeks to continue the existing uses on the site, namely a business with heavy equipment sales and two contractors yards with associated offices, and to add RV and Boat Storage in the rear of the property.

The property has split zoning, with C-1 zoning in the front along Edith Blvd. and R-1 zoning in the rear, but it has had Special Use Permits since the 1970s, most recently for contractor's yards. In 1970, a Special Use Permit was granted for retail stores and an auction center (CSU-70-20). It also appears the property had a contractor's yard on it prior to the adoption of the County Zoning Code. In 1989, the applicants requested a Special Use Permit for a Contractor's Storage Yard and a Butane Gas Plant with Outdoor Storage (CSU-89-25). It was granted for 3 years and expired in June 1992. In February 1993, the Board of County Commissioners approved another Special Use Permit for a Contractor's Yard and Propane Gas Plant with Outdoor Storage, for another five years (CSU-93-5).

In 1999, following the expiration of CSU-93-35, the applicants submitted a request for M-1 zoning but with the intention to renew their Special Use Permit to allow the continuation of the propane plant/contractor's yard and two additional contractor's yards. The request also sought approval of four mobile homes—two for watchman caretaker's residences and two for offices. In May 2000, the Extraterritorial Land Use Commission recommended denial of the zone change request and approval of a Special Use Permit for a Contractors yard (and sales and distribution of propane gas and an additional contractor's yard) with 22 conditions (see Attachment 3). The applicants appealed 7 of the conditions of approval to the ELUA, which made two changes to the conditions (Attachment 3). In February 2001, the Zoning Administrator approved an administrative amendment to allow heavy equipment sales and storage in the front and rear of the property to replace the propane business (Attachment 4). Another request to the Zoning Administrator to add another contractor's yard in the rear of the property was subsequently denied (Attachment 4).

The revised site plan (dated June 15, 2005) adds RV and boat storage spaces as requested by staff when they were left off the initial site plan. This site plan shows the existing office/warehouse building (now occupied by Vermeer Equipment), equipment sales/storage areas, 17 spaces for parking, areas for two contractor's yards, a mobile home/office, a portable office, and a storage building. It appears from the site plan that one of the contractor's yards will be moved to the south, so that the areas for each of the two contractor's will be expanded. Access to the rear of the site (for the RV and boat storage) will be along an existing paved access easement and through a gate.

Request justification. The applicant's agent points out that this property has been developed with non-residential uses since the 1960s and has had contractor's yards on it since the 1980s. He states the proposed uses are consistent with the previous uses.

In the response to Resolution 116-86, the agent states that the proposed land use is appropriate for several reasons. He argues that it will not be harmful to the area, as it has

been well maintained over the last five years, and additional buffer landscaping could be provided if necessary. It also is consistent with the Comprehensive and Area Plans for the area that encourage development of small, locally-owned businesses, and the RV and boat storage will benefit residents of the area. Further, the agent states, the existing R-1 zoning is not appropriate for the site due to changed neighborhood conditions in the area as commercial or industrial uses are now more common.

Surrounding Land Uses and Zoning

The vicinity of the site has a variety of uses. On the west side of Edith Blvd., properties to the north, south, and west of the site have M-H zoning and residential uses, although parcels that front directly on Edith Blvd. have C-1 zoning. In 1999, a property about 1000 feet south of the site received a Special Use Permit for Automobile Sales (CSU-99-20). Further south, most properties now have M-1 zoning with such uses as office/warehouse, lumber yard, and auto dismantling yard. Further north, properties have C-1 zoning, but they include both commercial uses (e.g., tire sales, massage parlour) and residential uses.

On the east side of Edith Blvd., most properties still have single family residences on them with residential uses, but those fronting Edith have C-1 zoning. Several of these properties to the northeast along Edith also have Special Use Permits for more intense uses than allowed by the existing C-1 zoning for such uses as propane storage and contractor's yard (CSU 85-47), and a machine shop, a warehouse, and auto body shop (CZ-20022).

APPLICABLE PLANS AND POLICIES:

Albuquerque/Bernalillo County Comprehensive Plan

The site is located in the Semi-Urban Area as delineated in the Albuquerque/Bernalillo Comprehensive Plan. The principal goal for this area is to "maintain the character and identity of semi-urban areas which have environmental, social or cultural conditions limiting urban land uses."

North Valley Area Plan

This property is located within the Semi-Urban area of the North Valley Area Plan. The plan states that properties in this area may have special soil and water limitations or scenic, agricultural, or recreational assets, with the appropriate gross density at 1 to 3 dwelling units per acre.

Policy 2.3.c states that the City and County shall promote commercial development and redevelopment of existing commercially-zoned properties.

Policy 2d (Land Use) requires landscape buffering and other measures are necessary to limit potential impacts of non-residential uses on residential areas.

The property is also located in an area the Plan refers to as the Edith Blvd. corridor in a sub-area described as "rural-residential" between Osuna Rd. and Griegos Rd. However, the Plan does note that some locations within this area along Edith Blvd. have made a transition to manufacturing/heavy commercial uses. The Plan states that the "land use pattern should reflect the present zoning" (Appendix, p.4).

Bernalillo County Zoning Ordinance

Resolution 116-86 lists policies for evaluating a Zone Map changes and Special Use Permit applications.

- A. A proposed land use change must be found to be consistent with the health, safety, and general welfare of the residents of the County.
- B. The cost of land or other economic considerations pertaining to the applicant shall not be the determining factor for a land use change.
- C. A proposed land use change shall not be in significant conflict with adopted elements of the Comprehensive Plan or other Master Plans and amendments thereto including privately developed area plans which have been adopted by the County.
- D. Stability of the land use and zoning is desirable; therefore, the applicant must provide a sound justification for land use change. The burden is on the applicant to show why the change should be made.
- E. The applicant must demonstrate that the existing zoning is inappropriate because:
 - 1. There was an error in the original zone map.
 - 2. Changed neighborhood or community conditions justify a change in land use or
 - 3. A different use category is more advantageous to the community as articulated in the Comprehensive Plan or other County Master Plan, even though (1) and (2) above do not apply.
- F. A land use change shall not be approved where some of the permissive uses in the land use change would be harmful to adjacent property, the neighborhood or the community.
- G. A proposed land use change which, to be utilized through land development, requires major and unprogrammed capital expenditures by the County may be:
 - 1. denied due to lack of capital funds; or
 - 2. granted with the implicit understanding that the County is not bound to provide the capital improvements on any special schedule.
- H. Location on a collector or major street is not itself sufficient justification of apartment, office, or commercial zoning.
- I. A zone change request which would give a zone different from the surrounding zoning to one small area, especially when only one premises is involved, is generally called a "spot zone." Such a change of zone may be approved only when:
 - 1. The change will clearly facilitate revitalization of the Comprehensive Plan and any applicable adopted land use plan; or
 - 2. The area of the proposed zone change is different from surrounding land because it could function as a transition between adjacent zones; because the site is not suitable for the uses allowed in any adjacent zone due to topography, traffic, or

special adverse land uses nearby; or because the nature of structures already on the premises makes the site unsuitable for the uses allowed in any adjacent zone.

- J. A zone change request which would give a zone different from the surrounding zoning to a strip of land along a street is generally called a "strip zoning." Such a change of zone may be approved only when:
1. The change will clearly facilitate revitalization of the Comprehensive Plan and any applicable adopted sector development plan or area development plan; or area of the proposed zone change is different from surrounding land because it could function as a transition between adjacent zones; because the site is not suitable for the uses allowed in any adjacent zone due to topography, traffic, or special adverse land uses nearby; or because the nature of structures already on the premises makes the site unsuitable for the uses allowed in any adjacent zone due to traffic or special adverse uses nearby.

C-2 Zoning (Section 15.b.6.b) – lists automobile, truck, trailer rental, service, storage as a permissive use, provided the lot is graded and surfaced as follows:

1. blacktop or equal. Two inches of asphaltic concrete on a prime coat and a four inch compacted subgrade, or a surface of equal or superior performance characteristics.
2. Such paving shall be maintained level and serviceable.

ANALYSIS:

Surrounding Land Use and Zoning

The applicants have requested the renewal of a Special Use Permit for a Contractor's Yard that they have operated along Edith Blvd. since at least 1989. The request also seeks to add RV and Boat Storage business. The property has C-1 zoning in the front and R-1 in the rear, neither of which allow the types of use located on the site or being requested, so that Special Use Permits for non-residential uses have existed on the property since the 1970s. The existing and proposed uses appear to be compatible with the heavy commercial and light industrial uses nearby the property along Edith Blvd., which were established in over the last twenty years under M-1 zoning or Special Use Permits. The RV and Boat storage is less intense than the contractor's type businesses that have existed on the property in previous years. There are, however, residential developments to the immediate north of the property which could be negatively impacted by the development, without the proper buffering.

Plans

This property is located in the Semi-Urban Area. The Comprehensive Plan and the North Valley Area Plan suggest that this Area should retain its semi-rural, residential character and should not allow new permanent zone changes or special use permits for industrial or heavy commercial uses. However, the North Valley Area Plan does state that existing commercially-zoned properties may be developed or redeveloped with commercial uses and recognizes that parts of Edith Blvd. already have existing heavy commercial and light industrial uses.

Zoning Ordinance

It appears this request is consistent with Resolution 116-86 of the Zoning Ordinance in that the particular use would not have a significant impact on adjacent properties and would be consistent with other uses in the area. It appears that 'changed neighborhood conditions' can

be used as a justification for this request as there has been a trend towards M-1 zoning and M-1 and C-2 uses in the area. The request is also consistent with the North Valley Area Plan policies that support the redevelopment of existing commercially-zoned properties.

Agency Comments

County staff and representatives from other agencies have provided comments on this case. Several departments have no adverse comments for the development as it is already existing. It appears that the front portion of the site is relatively clean and free of debris.

However, there are issues with the site development plan and the site that need to be addressed before the request can be approved. County Zoning staff comments indicates that the proposed storage area must follow the surfacing requirement for truck/trailer storage areas, which must be paved and striped.

Environmental Health staff notes that it is not clear if the units on the site are connected to City Water and Sewer, which was a condition of approval of the previous SUP. Based on a site visit, there is a substantial amount of debris on the site, some of which may be a hazard, and there are areas with evidence of oil spills on the soil. The on-site drainage system does not match that shown on the site plan and appears to have deteriorated. A mosquito control plan will be necessary for the ponding areas. Public Works comments also indicate that the grading and drainage system now located on the site may need to be redone if there is additional development.

In addition, based on visits to the site, Planning staff has noted inconsistencies with the site plan and the existing site configuration that and several of the conditions of approval of the previous Special Use Permit have not been met. In particular, the following must be addressed:

1) Landscaping and fencing. Contrary to the previous Condition 15 and the current site plan, there is no continuous landscaping along the north property line abutting the residential development. The display of landscaping on the site plan along the south side also does not appear to be accurate in terms of existing and proposed trees. Solid fencing is also required for the property lines that abut residential uses while only a part of the south property line has a solid wall (Condition 14).

2) Water and sewer connections. Contrary to the previous Condition 6, it appears that the property has not completely connected to City water and Sewer. During the visit to the site, staff observed that there is a porta-potty being used for the contractor's yards.

3) Materials in the rear of the site. Contrary to the previous Special Use Permit, there is still equipment and debris in the rear portion of the site.

4) Contractor's materials. Contrary to the previous Condition 19, there are piles of gravel and other debris on the site. It also appears there is fueling and repairing being done in the open on the site (Condition 18).

5) Other Conditions – evidence of meeting other Conditions 7 (Fire plan), 10 (lighting plan), 12 (surface disturbance permit) have not been provided.

In addition, clarification is needed regarding the following: 1) existing mobile structures for the contractor's yards—are they to Code or will they be removed or replaced? 2) Is the drainage system on the site plan (not on previous plans) approved? 3) Fencing around and within the site (on site plan) is inadequate and inconsistent with existing fencing; 4) Plans for the operation/hours of operation/office for the RV/Boat storage; and 5) Parking calculations for the equipment sales business, RV and Boat storage, and contractor's yard.

Conclusion

In conclusion, it appears that renewal of the Special Use Permit for a Contractor's Yard and Equipment Storage and to add RV and Boat Storage could be appropriate in this instance. The uses could have limited impact on the area and would be consistent with policies in the North Valley Area Plan regarding the redevelopment of commercially-zoned properties. Conditions of approval could help mitigate the impacts of the use on the nearby residential properties.

However, staff has observed that conditions of approval from the previous Special Use Permit have not been addressed, particularly as regards sewer connections, landscaping, and open storage of materials. Clarifications regarding the actual uses and the site plan, as noted above, are also necessary.

Staff is therefore recommending deferral of this request until all these issues are adequately addressed.

ADDITIONAL STAFF COMMENTS, MAY 3, 2006

This request for a Special Use Permit for a Contractor's Yard and to add RV and Boat Storage was scheduled to be heard at the August 5, 2005 County Planning Commission (CPC) hearing. Staff had noted a number of issues with the site, the site plan, and unmet conditions of approval (See pp. 7-8 above). Adjacent property owners expressed concerns with the unmet conditions and the negative effects of the two contractor's yards located on the site (Attachment 6). The applicants' agent requested a 90 day deferral "to address the outstanding issues and previous conditions of approval," and the CPC approved the request for deferral (Attachment 7).

However, the applicants decided to amend their request and not pursue the renewal of their Special Use Permit for Contractor's Yards and then requested a zone change to C-1 zoning for the westerly portion of the property that has R-1 zoning. (The easterly portion already has C-1 zoning). The request for C-1 zoning was denied by the CPC on November 2, 2005, which was appealed to the Board of County Commissioners and subsequently remanded to the CPC for reconsideration of the request for a Special Use Permit (CSU-50018) (Attachment 8—CPC Notice of Decision).

Resubmittal Details

The applicants have resubmitted their request in the form of a revised site plan and justification. They have made modifications to the site plan, including the following: 1) reduce the proposed landscaping from the previous site plan; 2) move the existing contractor's yards to the rear of the site and move the proposed RV and boat storage to the mid-portion of the site (currently occupied by the contractor's yards); and 3) remove the existing mobile homes. The new justification refers to the original justification, which stated the applicants' desire to more fully utilize the site by adding RV and boat storage. The agent states that "the proposed improvements will mitigate potential environmental impacts and will buffer the proposed uses from the residential area to the north." In particular, "the contractors yards have been moved to the western part of the site away from the impacted neighbors." The agent further states that this request could be approved because there are changed community and neighborhood conditions including the issuance of a number of Special Use Permits nearby the site and that conditions of approval, like those approved for the previous Special Use Permit (CZ-1), would minimize the impacts of the development (Attachment 9).

Additional Agency Comments

Several County departments' staff indicate that their previous comments (from August 2005) still apply.

Zoning notes that the existing Special Use Permit has expired so that the property is in violation. Also, the Site Plan as submitted is inadequate: 1) does not show location of C-1/R-1 zoning for the site; 2) there appears to be mobile homes on the site in violation of the site plan; 3) Plan does not show landscaping fronting Edith Blvd., NE. (20 feet is required for site of 5 or more acres); 4) Landscape Ordinance calls for a solid wall/fence and a landscape buffer surrounding residential zones. Plan as submitted shows inadequate walls/fence/buffer requirements; 5) parking spaces (size) appears to be inadequate for boats and RVs (e.g., spaces should be large enough to accommodate such vehicles and back-ups and turn arounds); and 6) Landscape plan shall indicate and show total amount of landscaping provided and/or required for each landscaped area.

In addition, Planning Staff reiterates that Conditions of Approval from the previous (now expired) Special Use Permit have not been addressed. These include the following: landscaping and fencing; water and sewer connections; materials in the rear of the site; open storage of piles of materials; fire plan; and surface disturbance plan. The current site plan does not comply with the requirements of the Section 19 of the Zoning Ordinance (Landscaping and Buffer Landscaping Regulations). Although lighting is shown on the current plan, it appears to be located adjacent to residents' properties and the site plan does not indicate if the lighting is shielded. A visit to the site revealed that the mobile home residences have been removed from the site but that there is still a large amount of equipment and materials in the rear of the site.

Further, the revised site plan shows a large increase in area of the Contractor's Yards from about 120 x 330 feet to about 270 x 400 with no justification or explanation for this change. No details are provided on the specific activities in this area or the RV and boat storage (e.g., the operation, buffering, security system). More details should be provided to staff on the relocation of the contractor's yards, their operations, and the plans for minimizing impacts on the adjacent residential properties, even if they do not directly about the uses.

Public Works comments continue to indicate that the rear of the site is within the Flood Plain, which must be accounted for upon development.

Environmental Health still has comments about the details of the uses on the site with regard to noise, emissions, materials' storage, and water and sewer connections.

Conclusion

Staff continues to agree that there is some justification for this request especially given that this property has had non-residential uses for more than 20 years. At the same time, this property has had a history of non-compliance with conditions of approval, of on-going attempts to expand and intensify the uses that appear to have been detrimental to the surrounding residential neighborhood, and of failure to address requirements for compliance with departmental codes and standards. Accordingly, staff continues to recommend deferral of this request until the issue of unmet conditions of approval and the above-listed comments from staff are satisfactorily addressed.

Adjacent and nearby residents have submitted materials with their concerns about the existing uses on the property and about the current request (Attachment 10).

ADDITIONAL STAFF COMMENTS, AUGUST 2, 2006

Resubmittal Details

This case was deferred for six months at the May 3, 2006 CPC hearing. The Notice of Decision (Attachment 11) stated:

"The County Planning Commission has instructed the applicants to address the following issues prior to re-submitting their development plan.:

1. Address the grading and drainage issues.
2. Revise the site plan by moving the contractor's yard material and equipment storage away from the north side, adjacent to the existing residential uses.
3. Identify a different tenant for the contractor's yard or mitigate the impact from the roofing contractor. "

In addition, the staff report indicated there were a number of deficiencies with the site development plan. These included inadequate landscaping and fencing per the Zoning Ordinance; insufficient information regarding contractor's yards and their expansion and relocation and RV and boat storage; and inconsistencies between the previous and proposed conditions of approval (e.g., landscaping and fencing, sewer and water connections, and on-site vehicle repair). Petitions of opposition from adjacent residential property owners to the north of the subject site also stated continued concerns with the impact of the development on the neighbors.

The applicants have resubmitted their site plan. The main changes include showing existing landscaping on the site, adding parking for the contractor's yards, adding additional storage buildings and storage areas for the contractor's yards nearby the north and south property lines, modifying the proposed conditions of approval, adding a plan for a monument sign and a light pole, and removing the designation of the driveway as an easement.

Additional Analysis

Staff still has a number of comments regarding the proposed site development plan, including those noted in the Agency Comments below for the August 2, 2006 CPC hearing.

In particular, the applicants have not addressed the instructions provided by County Planning Commission at the May 3, 2006 hearing. They have not included any additional information on the grading and drainage issues on the site and have not addressed the concerns with the contractor's yards (particularly the roofing contractor) on the site by either moving them or mitigating the impacts.

The Zoning Administrator's comments state that there are several deficiencies on the site plan as regards meeting the requirements of the Zoning Ordinance. These include the front landscape setback (should be 20 and not 15 feet), fencing and landscaping should be along the entire length of the north and south property lines overall quantity of landscaping on the site does not constitute 15% of the paved area of the site, and paving (recycled asphalt) may be inadequate as it must be maintained to a depth of two inches. Information provided regarding signage, RV and boat storage, limitations on on-site parking (proposed condition # 5), and proposed storage buildings is not clear.

Environmental Health staff comments for the current request state that previous comments have not been addressed (e.g., provision of hazardous materials checklist). In addition, a proposed condition (on the site plan) suggests that inhabited buildings shall be connected to City/County sewer and water when the correct process is that all buildings with bathroom facilities shall connect to water and sewer regardless of being inhabited or not. Also, several conditions of the previous Special Use Permit appear to have been altered or eliminated such as limiting open storage of materials and prohibiting repairs and fueling of vehicles on the site. During a recent visit to the site, staff noted an abundance of roofing materials and equipment stored in the rear of the site.

Public Works (Drainage) comments reiterate that provisions must be made for the flood plain located in the rear of the site if the area is developed.

Conclusion

Since this request was first submitted over a year ago, staff and the County Planning Commission have maintained that this request for a new Special Use Permit on the subject property could be approved provided the development complies with departmental requirements and addresses staffs' and the CPC's concerns about the development. There also have been issues with the negative impacts of the development on the adjacent residential properties to the north. The CPC provided the applicants with instructions about how these were to be addressed. Thus far, it appears that the concerns of the CPC, of staff, and of the neighbors have not been addressed.

Analysis Summary

Zoning	
Resolution 116-86	Changed neighborhood conditions. use appears to be consistent with other nearby uses along Edith Blvd.
Requirements	Comply with code requirements for landscaping, fencing, signage (C-2 use); surfacing (trailer storage); Site plan does not comply with requirements for landscaping, fencing.
Plans	
Comprehensive Plan	Use is not inconsistent with Semi-Urban Area designation, but does appear to promote local economic development.
Area Plan	Uses may be consistent with North Valley Area Plan policies regarding re-development of commercial properties
Other	
Other Requirements	
Environmental Health	Only front of property has sewer and water accounts. Concern with debris, hazards, ponding on site
Public Works	Will require new grading and drainage plan with new development. Portion of site is
Zoning	Provide appropriate landscaping, fencing, surfacing for storage area.
Other	Conditions of approval of previous SUP have not been adequately met.

FINDINGS:

1. This request is for the renewal of a Special Use Permit for a Contractor's Yard and Equipment Sales and to include Boat & RV Storage on Tract C, Fruitvale Addition, located at 6301 Edith Boulevard NE, zoned R-1 & C-1, containing approximately 5.98 acres.
2. The property is zoned C-1 and R-1 and is located in the Semi-Urban Area of the Albuquerque/Bernalillo County Comprehensive Plan and the North Valley Area Plan.
3. This property had a Special Use Permit for Contractor's Yard and Equipment Sales for (CZ-1), which expired on June 28, 2005.
4. The applicant's site plan does not provide sufficient information on the uses proposed for the site, when Section 18.C.1 of the Zoning Ordinance states that incorrect or incomplete information may be cause for denial or deferral.
5. This request conflicts with Resolution 116-86 in that the applicants have failed to demonstrate that the existing zoning is not appropriate.
6. This request is not consistent with the health, safety, and general welfare of the residents of the County.

RECOMMENDATION:

DENIAL of CSU-50018, based on the above Findings.

Catherine VerEecke
Program Planner

BERNALILLO COUNTY DEPARTMENT COMMENTS

Building Department:

No comments received.

5/3/06

No adverse comments.

Environmental Health:

COA water and sewer verified to serve main building under acct. # 23013968.

Need verified proof of COA utility water and sewer connection to ex. mobile home/office and to the ex. portable office both located on the site plan. If, these buildings are serviced by well and septic tank service then the it is understood that they are not permitted with Bernalillo County EH Office.

Provide Bernalillo County EH Office with copy of the COA Air Quality Div. soil/surface disturbance permit prior to any disruption of the soil.

Upon physical inspection of the site, it is observed that the site plan and the physical conditions on the site do not match. Many other buildings and accessory buildings are present on the site that do not match the site plan. Some of the buildings are in disrepair and are a vector concern.

Line 18 of Site Plan describe who does the refueling, how it is done and what happens when there is a spill?

Who conducts the onsite vehicle and mechanical repairs; where are repairs conducted; how and what happens to the excess fluids generated in the repairs? Upon physical inspection of the site multiple spills of oil and other fluids were observed as well as barrels of oil and other fluids. How is the applicant going to clean up these spills and how will they prevent them in the future? Numerous instances of debris piled up and strewn about has created a vast vector control problem. A site remediation plan, vector control plan, a site prevention plan [is required for all situations where spills and seepage may occur], and a site vehicle maintenance plan is required.

Line 24 of Site Plan describes that the site shall retain all developed stormwater. Where is this located? Is this the same as the 235'X 5'2" pond described on the site plan? Upon physical inspection the pond in question is actually a drainage easement that sits along side the main entry road and traverses the road via a culvert and then continues along the south property fence line [chain link fence] and then discharges into the westernmost tract and possibly if flooded into the neighboring land. This drainage easement is not accurately portrayed on the site plan. In addition a mosquito control plan is required for the storm runoff water detention area.

For the future boat and RV storage apply the same site prevention plan for this associated practice. Upon physical inspection of the site it was observed that the site doesn't have an impervious surface and oils and fluids can seep into the groundwater [water table] at this location.

For 5/3/06

1. Most current site plan doesn't accurately portray current conditions and activities on the site. The key notes in the upper left corner are simply a cut and paste effect and need modification for this application. An example of the inaccuracy of the key notes is line #7 that makes reference to the ELUA. Modification to the site plan and key notes is required. Consult with staff for guidance.
2. Upon development and installation of restroom facilities on the contractors yard [not Vermeers], this entire property shall connect to water and sewer. The applicant has attested that they will do this as is identified on line #6 of the key notes. The applicant will provide proof of connection to water and sewer to the EH Office upon development.
3. Key note #18 depicts activities onsite that are questionable for a contractors yard.
4. Please provide a comprehensive fuel storage, handling and remediation plan [spill cleanup], and an approved fuel storage and distribution facility [storage tank, fuel dispensing method, and leak containment vessel]. Approval shall be coordinated with the State of NM; NM UST Bob Miller.
5. Please provide a comprehensive vehicle repair, oil change, and misc. servicing of vehicles plan that covers storage, handling and remediation [spill cleanup]. No freon replacement shall take place onsite.
6. Key note #19 depicts a contradiction between the activities onsite. The key notes suggests that no onsite contractors materials will be stored onsite [western portion], but the site plan suggests that concrete pumping, roofing materials and outside storage will take place.

The property is situated close to private residential dwellings. The applicant should be aware of the Noise Ordinance 30-116, which states, "it shall be unlawful for any person to willfully make or continue, or cause to be made or continued, any loud, unnecessary or unusual noise which disturbs the peace or quiet of any neighborhood or which causes discomfort or annoyance to any person residing in the area..."

Operation of diesel powered vehicles or other vehicles at the site will need to comply with Air Quality Board Regulation No. 103 (20 NMAC 11.103, Motor Vehicle Visible Emissions). This regulation ensures that visible emissions are kept within limits specified for different sizes of vehicles and during a 10 minute start up period. Vehicles must be maintained in a condition to comply with these requirements. Engine warmers should be used where ever possible to reduce start up time period.

The applicant is required to submit a hazardous materials handling plan and submit all necessary checklists and emergency response plan for review and approval.

Regulation of above ground storage tanks is thru the State of New Mexico Underground Storage Tank Bureau.

For 8/2/06

1. Previous EH Comments have not been addressed. During previous site visits there was cause to be concerned about a number of issues. These are identified in previous comments and reports.

To date, the applicant, agent for applicant nor the Environmental Health expert the applicant employed has not contacted the Office of EH to remedy past identified issues.

2. The current site plan is incorrect and a new site plan is requested.

3. The site plan, "Notes" depicts certain actions, but they are not properly annotated on the site plan and have no proper cross referencing.

Examples-

Line # 4 suggests that a parking area has been resurfaced with asphalt base course. There is no cross reference #4 on the site plan and the legend doesn't identify resurfaced with asphalt base course. The legend only describes existing paving and proposed recycled asphalt. Identify where #4 is at on the site plan and make note of a cross reference.

Line #6 suggests that Inhabited buildings shall be connected to city sewer and water. The correct process is all buildings with bathroom facilities shall connect to water and sewer regardless of being inhabited or not.

Line #7 suggests some information that doesn't exist and has blended multiple activities on the same line. The Office of EH is still waiting for the HazMat plan. The ELUA doesn't apply to the County process or this application.

Line #11 suggests the truck, RV, and boat area has been surfaced with recycled asphalt base course, the legend describes proposed recycled asphalt.

Line #12 suggests that a surface disturbance permit will be obtained from the Environmental Health? prior to an excavation on site. The City of Albuquerque Air Quality Division issues these permits for soil, surface disturbance and fugitive dust. This information has been previously explained to the applicant through case comments.

line #16 suggests oil changes and repairs on-site. Conditions of former approval prohibited all vehicle repairs. As has been witnessed by site visits and photos taken of the site, oil changes and vehicle repairs appear to have been routinely conducted as well as fueling of machinery

and vehicles.

line #20 suggests the site shall retain all stormwater within existing ponds. The 18" culvert accepts storm run-off from a collection swale [pond] and traverses an on-site road and then discharges along the south property fence line [in the chainlink fence]. The action by the run-off may cause flooding in the neighbors property. A cross-section drawing is required for all on-site ponding. Additionally a mosquito control plan is still required for all on-site ponding.

4. In the "GENERAL NOTES" the first sentence is confusing and doesn't convey a usable message.

On the most recent EH Office site visit of July 7, 2006 the following observations were made.

1. Roofing and construction materials are being stored throughout the site.
2. Large gas [propane?/oxygen?] cylinders, not secured to bottle rack.
3. Concrete appears to have been washed out of concrete delivery truck chutes onto the surface of the mid yard horth side.
4. Roofing hot pots [2 ea.] on site.
5. The oil saturated soil has been removed and some additional site cleanup has taken place. However, trip or contract manifests for the oil, soil, and fluid removal is requested to validate proper and safe disposal.

Zoning Administrator

29/JUN/2006

COMMENTS RELATING TO THE USES

These uses are first allowed in the C-LI zone (contractor's yard, heavy equipment sales & service) and the C-2 zone (vehicle storage). There is an inherent recognition that these types of activities require mitigation measures when located adjacent to or in close proximity to residential activities. These steps include a solid wall or opaque fence, sufficient landscaping, and related property improvements for lot surfacing and maintenance.

Based on the overall size of the site, a landscape setback of at least 20 feet in width is required along Edith Blvd., a landscape setback along the northern and southern property lines of at least six (6) feet is necessary, and a minimum of 15% of the paved areas of the entire property are required to be landscaped. These buffer areas are

required to utilize both deciduous and coniferous trees, shrubs, and ground cover, and must be watered with some sort of an irrigation system. The county strongly encourages the use of low-water plants, trees, and vegetation in these areas.

Parking areas on the site - both off-street spaces and areas to be used for the parking of equipment, vehicles advertised as being for sale, or the storage of vehicles (RVs & boats) - are required to be surfaced with concrete or asphalt, and must be to a compacted to a depth of at least six (6) inches. Areas dedicated for off-street parking must be appropriately marked and kept free of all vehicles and equipment which are "for sale" on the site. Additionally, all surfacing on the property is required to be continually maintained as being level and serviceable for use.

COMMENTS FOR THE SITE PLAN

The provided landscaping appears to be less than that required. The buffer along Edith Boulevard is only at 15 feet wide when a 20-foot wide buffer is necessary. Additionally, complete landscaping (trees, shrubs, ground cover) appears to be lacking toward the western end of the site, and due to the 15% paving rule based on the size of the property, an additional 38,000 square feet of landscaping is needed on the site.

Related to this, it should be specified on the plan that the use of "recycled asphalt" may be used to promote permeability, but the depth requirements (2" of asphalt concrete on a prime coat & a 4" compacted subgrade - or superior surface) must still be met. These areas are also required to be maintained by the owner to ensure that these portions of the site are level and functional.

Compliance with the screening requirements are lacking as well. A six-foot high solid fence is noted on the southern property line and a six-foot pro-panel fence is noted on the northern property line; but these structures don't appear to extend the entire depth of the property, as chain-link fencing is referenced on the site plan toward the western end of the site along both of these property lines. Because of the underlying zoning and existing residential uses adjacent to the subject site, a solid wall or opaque fence is needed along the entire length of the north and south property lines.

Additional clarification and details are needed concerning the proposed/existing signage for the property. The site plan shows 2 signs on the site: one is a "10' high sign pole" located toward the NE corner of the lot, and the other is referenced as an "RV parking sign". Elevation drawings are needed for these features. The monument sign elevation shows that the sign (proposed??) is 2.5 feet by 300 feet in area (750-sq. ft. sign). It appears that these numbers are mislabeled, as this amount of signage is too great for this property. Additionally, the location of this monument sign needs to be specified on the plan.

Note #5 states that a "maximum of twenty vehicles will be parked on the site . . . ", but it is not understood what type of vehicles this statement refers to, as off-street provisions and RV/boat spaces are specifically called out elsewhere. Clarification to these vehicles would be appreciated.

Finally, it is noted that this proposal includes future storage buildings and a specific number of spaces to be dedicated to the RV & boat storage activities. The applicant should be made aware that if the request is approved and the revised site plan is filed with the county, that document (the site plan) will govern all development on the site. Any changes or additions to the property that are not specifically referenced on the plan or approved under a condition will require authorization through the existing public hearing procedures prior to implementation.

Zoning Enforcement Manager:

Must comply with below listed comments.

Shall meet the Landscaping regulations of landscaped buffer zones between residential /commercial uses, consisting of minimum 1 and 1/2-inch caliper, measured at two feet above ground level, and/or shrubs, five gallon minimum size, forming a largely opaque screen. Planting material shall consist of vegetative ground cover of at least 75% of the landscaped areas. Landscaping which dies shall be replaced by the property owner, within 30 day notice to comply with landscape ordinance.

Shall comply with the off-street parking regulations.

The parking of RV's and/or Boats does not indicate amount provided for and or shown on plan submitted. Under the requirements for location and improvement of parking areas all parking spaces shall be appropriately marked to indicate the location of the space required. Unable to determine the safety factor for proper spacing for fire lanes and emergency vehicle parking as required under the Off- Street Parking, Loading and Unloading Regulations.

Shall comply with other applicable zoning ordinances for this project.

5/3/06

Must comply with below listed comments.

shall comply with previous comments under comments # 1.

Site Plan (inadequate) as submitted, does not show lot separation for C-1 uses/R-1 uses for special use request for both zones.

Plan does not show landscaping fronting Edith Blvd NE.

Landscape Ordinance calls for a solid wall/fence surrounding residential zones. Plan as submitted shows inadequate walls/fence requirements.

Landscape plan shall indicate and show total amount of landscaping provided and/or required for each landscaped area.

Shall comply with all other applicable zoning regulations for this project.

Note: There are zoning violations for operating with expired Special Use permit, along with illegal use of mobile homes as dwelling units and/or office use, which are not shown on plan submittal.

Fire:

No comment received.

For 5/3/06

Required access: Fire apparatus access roads shall be provided for every facility, building or portion of a building hereafter constructed or moved into or within the jurisdiction.

The required width of a apparatus access road shall not be obstructed in any manner, including parking of vehicles during construction and/or occupancy.

The code items in this review are not intended to be a complete listing of all possible code requirements adopted by this jurisdiction. It is a guide to selected sections of the code. Additional information is required prior to approval and/or occupancy.

GENERAL NOTES ON SITE PLAN SHALL BE REVISED TO INDICATE UPDATED INFORMATION.

Occupancy pending compliance with the hazardous materials emergency response plan (HMER Plan)

A permit shall be required prior to the installation or removal of underground storage tanks.

Approval and/or occupancy pending approved water supplies for fire protection.
HYDRANTS SHALL BE REQUIRED TO BE SHOWN ON THE SITE PLAN AND
INSTALLED AS REQUIRED BY THE BCFD-FIRE MARSHAL'S OFFICE

Fire hydrants are generally installed according to spacing criteria that varies according to proposed land use. These hydrants may be required to be supplemented with additional hydrants when actual development takes place.

Public Works:

DRAN:

1. The site plan does not show changes to the initial Special Use permit to warrant a grading and drainage plan.
2. Any future development shall include a grading and drainage plan prepared by an engineer licensed in the state of New Mexico.

5/3/06

1. See previous comments. A grading and drainage plan for this 5/2006 hearing is not warranted at this time.

3. Any future development shall include a grading and drainage plan prepared by an engineer licensed in the state of New Mexico.
1. A grading and drainage plan prepared by an engineer licensed in the state of New Mexico and approved by Bernalillo County Public Works is not required for this special use application.
2. A grading and drainage plan prepared by an engineer licensed in the state of New Mexico and approved by Bernalillo County Public Works is required prior to development of this property.
3. Portions of this property are located within a designated flood hazard area by the Federal Emergency Management Agency (FEMA). Any development of this property must conform to the Bernalillo County Flood Damage Prevention Ordinance. The property may be subject to the flood insurance requirements of the Federal Emergency Management Agency (FEMA). Flood insurance is likely to be required for development of this property."
4. Elevation certificates prepared by a surveyor registered in the state of New Mexico are required of any future structure(s) or structure addition(s) with substantial improvements (50%) within a floodplain. The lowest floor elevation including a basement must be above the Base Flood Elevation (BFE) shown on Flood Insurance Rate Maps (FIRMs) prepared for this area". Elevation certificates are prepared before and after construction and show the planned and constructed elevations of the lowest floor.

For 8/2/06

1. This property is subject to the Bernalillo County Code Chapter 38 for flood damage prevention and storm drainage.
2. A grading and drainage plan is not required, at this time, as a condition of approval of this special use permit request, because this request appears to be consistent with the current use of the property and no significant changes to the current development are explicitly or implicitly implied.
3. A grading and drainage plan, prepared by an engineer licensed in the State of New Mexico, approved by Bernalillo County Public Works Division is required of the entire site prior to any future development, and / or site regrading or resurfacing. This site appears to require access improvements. The grading and drainage plan shall include access roadway analysis and design.
4. A portion of this property appears to be within a designated 100-year floodplain as shown on the National Flood Insurance Program's Flood Insurance Rate Map (FIRM). Existing storm water flows must enter and leave the property in historic conditions. Any development of this property must conform to the Bernalillo County Flood Control Damage Prevention Ordinance. The property may be subject to flood insurance requirements of the Federal Emergency Management agency (FEMA). Flood insurance is likely to be required for development of these properties. Development in and around the floodplain will have to be addressed specifically by a grading and drainage plan.

5. This property is subject to the National Pollution Discharge Elimination System as required by the Bernalillo County Code Chapter 38 Section 147. A Storm Water Pollution Prevention Plan (SWPPP) is required prior to any development.

DRE:

No adverse comments.

On-site paving has deteriorated and additional paving may be required pending a more detailed on-site inspection.

5/3/06

July 2005

See previous comments.

For 8/2/06

See previous comments. No additional comments for Aug 2006 Hearing.

Transportation:

No comments.

Parks & Recreation:

No adverse comments.

5/3/06

Approved, no comment.

Sheriff's:

No comment received

COMMENTS FROM OTHER AGENCIES

MRGCOG:

No comment.

AMAFCA:

No comment.

COUNTY PLANNING COMMISSION
AUGUST 2, 2006
CSU-50018

City Planning Department:
No comments received.

City Public Works:
Transportation Planning: No comments.

Transportation Development: No comments.

Water Resources: No adverse comments.

City Transit:
No comments received.

5/3/06
No ABQ Ride service is within walking distance of the site.

No objection.

City Environmental Health:
No comments received.

City Open Space:
No comments received.

5/3/06
No comments.

NMDOT
No comments.

5/3/06
CSU 50018 Case description: Special use permit for Contractors Yard Location: 6301
Edith Boulevard NE Type of development (Residential/commercial): Commercial Possible
Impacted NMDOT roadway(s): None Departments Comments: No Comments.

NEIGHBORHOOD ASSOCIATIONS:

Merritt Acres
North Edith Corridor Association
Zia Gardens